

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STARLETTA L. BANKS, in pro per,

Plaintiff,

v.

JENNIFER GRANHOLM, et. al.,

Defendants.

CASE NO. 05-72227
HON. LAWRENCE P. ZATKOFF

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION AND MOTION TO VACATE**

I. INTRODUCTION

This matter is before the Court on Plaintiff Starletta Banks' August 5, 2005 Motion for Reconsideration and August 25, 2005 Motion to Vacate. Pursuant to E.D. MICH. LR 7.1(g)(2), no response is permitted regarding Plaintiff's Motion for Reconsideration. Defendant Thomas Slovis has filed a response to Plaintiff's Motion to Vacate. Defendants Annamaria Church and Vincent Palusci have concurred in this Response.

II. ANALYSIS

A. Motion for Reconsideration

In Plaintiff's Motion for Reconsideration, Plaintiff argues for the first time that her statute of limitations period should not have commenced running until April 29, 2003, when the Michigan Supreme Court denied her appeal.

A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

The Court finds that Plaintiff has failed to demonstrate a palpable defect by which the Court was misled. The Court will not permit Plaintiff to reargue the statute of limitations issue, an issue already ruled upon by the Court. Accordingly, Plaintiff's Motion for Reconsideration is denied.

B. Motion to Vacate

Plaintiff's Motion to Vacate under FED. R. CIV. P. 61 also argues that the Court erroneously determined the statute of limitations date. Though Plaintiff has filed her Motion to Vacate as a separate motion from her Motion for Reconsideration, the Court finds that Plaintiff's Motion to Vacate presents the same issue as Plaintiff's Motion for Reconsideration. For the reasons discussed in the previous section, Plaintiff's Motion to Vacate is denied.

III. CONCLUSION

For the above reasons, Plaintiff's Motion for Reconsideration and Motion to Vacate are
HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 28, 2005.

s/Marie E. Verlinde

Case Manager

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